

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TROY SMITH,
Petitioner,

v.

KEVIN CHAPPELL,
Respondent.

Case No. [11-cv-01791-SI](#)

**ORDER GRANTING REQUEST FOR
CERTIFICATE OF APPEALABILITY**

Re: Dkt. No. 45

Petitioner has filed a request for a certificate of appealability. Dkt Nos. 45, 46. Petitioner seeks to appeal: (1) the denial of his petition for writ of habeas corpus, specifically that portion brought under *Brady v. Maryland*, 373 U.S. 83 (1963); and (2) the denial of his motion for discovery on his *Brady* claim. See Dkt. Nos. 37, 43. Because a reasonable jurist could “find the district court’s assessment of the constitutional claims debatable or wrong,” petitioner’s request is GRANTED. See *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). A certificate of appealability shall issue on the denial of the *Brady* claim and the denial of the motion for discovery as to the *Brady* claim. See Dkt. No. 45 at 2.

IT IS SO ORDERED.

Dated: September 22, 2015



SUSAN ILLSTON
United States District Judge